

FILED '08 JAN 02 09:12 USCDC-ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF OREGON

JAMES L. LESTER, JR.,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant

Civil No. 3:06-CV-1575-PK

and Judgment
~~PROPOSED~~ ORDER FOR REMAND

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be reversed and remanded for further administrative proceedings, including the following: the administrative law judge (ALJ) will re-evaluate the medical opinions of the State agency physicians, Drs. Jensen, McDonald, and Lahr; re-evaluate Plaintiff's RFC consistent with the medical evidence of record; and continue with the sequential evaluation, re-evaluating Plaintiff's ability to perform other work in the national economy with the assistance of vocational expert testimony, and; as appropriate, the vocational expert should be asked to resolve any discrepancies between jobs and the DOT pursuant to SSR 00-4p.

This remand is pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b).

DATED this 27th day of December, 2007.


UNITED STATES DISTRICT JUDGE

Presented by:

s/ Thomas M. Elsberry
THOMAS M. ELSBERRY
Special Assistant United States Attorney
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of Attorneys for Defendant